

SUBDIVISION REGULATIONS

ARTICLE I

AUTHORITY AND POLICY

Section A. - Authority

Pursuant to the authority conferred by Chapter 126 and other applicable sections of the General Statutes of the State of Connecticut, as amended, the Planning and Zoning Commission of the Town of Darien adopts the following rules and regulations governing the subdivision of land.

Section B. - Policy and Purposes

The policy of the Planning and Zoning Commission is to consider land subdivisions as part of a plan for the orderly, efficient, economical and environmentally sound development of the Town. The policy means, among other things, that these regulations are designed to achieve the following purposes in carrying out this policy:

1. land to be subdivided shall be of such character that it can be used for building purposes without danger to health or public safety;
2. proper provisions shall be made for water supply, sewage disposal, storm drainage, and other required utilities;
3. in areas contiguous to brooks, rivers, or other bodies of water subject to flooding, including tidal areas, proper provision shall be made for flood protection, including effects on neighboring properties and downstream areas, or properties;
4. proper measures shall be taken to prevent or minimize erosion, sedimentation, or other adverse effects on the natural environment;
5. proposed streets must be in harmony with existing or proposed principal thoroughfares shown on the Town's Plan of Development as adopted by the Commission, especially in regard to safe intersections with such thoroughfares; the proposed streets must be so arranged and of such width as to provide an adequate and convenient system for present and prospective traffic needs and necessary access for emergency vehicles;

6. lots, streets, and related elements must be designed to protect and preserve natural features and avoid unnecessary degradation of the natural environment;
7. in areas deemed proper or necessary by the Commission, permanent open space reserves shall be established;
8. energy efficient patterns of development, including the use of solar and other renewable forms of energy and energy conservation, shall be encouraged.

The Commission's policy requires, furthermore, that the necessary improvements, measures and services to enable healthy, safe and economical development shall be provided as an integral part of new subdivisions or resubdivisions.

ARTICLE II

SUBDIVISION APPLICATION PROCEDURE

Section A. - General Requirements

1. No subdivision or resubdivision of land or issuance of a permit for the erection of a structure in a proposed development shall be made, and no land in any subdivision or resubdivision shall be sold or offered for sale or lease, until a plan of subdivision, prepared in accordance with the requirements of these regulations, has been approved by the Planning and Zoning Commission and has been filed in the Office of the Town Clerk. Approval of plans for subdivision or resubdivision will be given by the Commission in accordance with the requirements and procedures established by these Regulations.

In all other instances, where a division of land or adjustment of a property line is involved, the plan shall be subject to an administrative review by the Planning and Zoning Director or his official designee, who shall determine that all prevailing regulations and requirements have been complied with. A stamp signed by the Director or his designee, shall be placed upon said plan which shall then be eligible for filing within the Darien Land Records.

2. The subdivider or owner of real property shall not proceed with construction work of any kind which may affect the arrangement of streets or location of buildable areas until approval of the Subdivision Plan has been obtained from the Commission. Work shall include, but not be limited to, clearing, grubbing, excavating, grading, blasting or other similar activities.
3. Land of such geophysical nature that, in its present state, cannot be used for building purposes because of danger to health, or the public safety, because of peril from fire or flood, or other conditions, such as difficult drainage, configuration, inaccessibility, temporary flooding, erosion, steep sloping topography, wetlands, swamps, large rock outcrops, or high ground-water level, shall not be planned for residential use, nor for other such uses as may increase danger to health, life or property, or aggravate or create a

flood hazard, unless appropriate measures have been taken by the subdivider to correct such hazard in accordance with the specifications declared a part of these Regulations, or the specific requirements established by the Planning and Zoning Commission, pursuant to these Regulations.

4. Before preparing and submitting an application for subdivision, the subdivider shall familiarize himself with the provisions of these Regulations, the Town Plan of Development, the Zoning Regulations and Map, the specifications setting forth requirements for street layout, construction, utility installation, and for improvement of adverse geophysical conditions.
5. All utilities within a proposed subdivision to be provided from a public source, such as water, sewer, electric service, telephone, fire hydrants and street lighting, shall be approved by the public utility having jurisdiction and the Town Engineer and shall be installed at no cost to the Town as the Commission shall approve. In general, where such public utilities are available, they shall be used in lieu of on-site facilities.
6. All proposals for on-site water supply and sewage disposal facilities shall be subject to the specific approval by the Town's Department of Health.
7. No privately owned reserve strips of land which, in the opinion of the Commission, show an intent on the part of the subdivider to control access to land dedicated or to be dedicated to public use shall be permitted except where the control of the land comprising such strips is placed within the jurisdiction of the Town under conditions approved by the Commission.
8. The subdivider may develop the subdivision in progressive stages instead of in its entirety, but no subdivision or portion thereof shall be considered unless it abuts a street as defined herein and in the Zoning Regulations.

Section B. - Subdivision Plan Procedure

Processing of all subdivision applications shall comply in full with the provisions set forth in the General Statutes of the State of Connecticut, as amended, and with these Regulations.

The final layout, supporting drawings, reports, documents, fee, and application form for a proposed subdivision constitute the only formal and complete submission of the petition for approval. Following approval by the Commission, the requirements set forth in ARTICLE V must be complied with and the successful fulfillment of these requirements becomes the basis for the construction of the subdivision.

1. Subdivision Plan

The subdivision plan shall be prepared in accordance with the requirements set forth in ARTICLE III and ARTICLE IV of these Regulations.

2. Submission of Application for Approval

(a) An application, complying with all applicable requirements and on a form prescribed by the Commission, and including all required information specified within these Regulations, will be accepted by the Commission in accordance with the provisions of the General Statutes of the State of Connecticut, as amended.

(b) Such application shall include, as a minimum, the following elements:

- Completed Application Form for Subdivision

- Application fee, payable to the Town of Darien in an amount prescribed by the Schedule of Fees adopted by the Representative Town Meeting.

- Complete list of names and addresses of current owners of record for all properties 100 feet or less distant from the subject property.

- Deed, contract, option to buy, or other acceptable proof of ownership (or interest) in the subject parcel proposed for subdivision. In cases where the applicant is not the owner of the property, a letter of authorization, signed by the owner of record, shall be submitted.

-Following any approval, the Commission may require a statement from the applicant's engineer, indicating estimated costs of construction of roads, environmental protection measures, planting and/or other required improvements, for the purpose of bonding.

-Fifteen (15) copies of all plans and documents specified in ARTICLE III, as applicable.

-Copies of proposed deeds, agreements, conservation restrictions, easements, and documents required by the requirements of the Regulations.

-Copies of any other documents or information required.

(c) No application is effective and final unless said application complies in all respects with the provisions of these Regulations, Connecticut Statutes and all applicable laws, regulations and requirements of the Town of Darien. In all matters wherein a formal application is submitted to the Commission, the application shall not be accepted until all required materials have been received, and written acceptance is given to the applicant by the office of the Planning and Zoning Commission.

(d) Upon receipt of the formal application and all required accompanying materials by the submission date prescribed by the Planning and Zoning Commission's Office, the Commission shall call a public hearing on the application.

At the public hearing, the Commission will give an opportunity to any persons to examine or comment upon the subdivision plan and its supporting documents.

(e) Not more than 20 days nor less than seven days before the date of an applicant's hearing, the applicant, or his legal representative, shall mail notification of his application, and the scheduled date, time and place of the hearing, to the owners of each parcel of property 100 feet or less distant from the subject property. The owners and their addresses shall be determined from the latest field

cards in the Darien Tax Assessor's Office. At the hearing, the applicant, or his legal representative, shall submit evidence of the required mailing in the form of U.S. Postal Service Certificates of Mailing or similar proof of mailing, a list showing the names and addresses of the owners of all such properties, and a copy of the notification (including attachments) which was mailed.

Where there is more than one owner of a property, such as a condominium, each owner is to be notified by the applicant. If the applicant is not the owner of the subject property, the applicant shall formally notify the owner of the property of the pending application.

- (f) The Commission will approve, modify and approve, or disapprove the subdivision application and will set forth any conditions to which an approval is subject, or the reasons for disapproval. The applicant shall be notified accordingly.
- (g) If approved, the applicant shall have the Subdivision Plan and supporting plans revised to conform to any modifications called for in the Commission's action and shall complete all requirements set forth in Article V and the Commission's resolution of approval.
- (h) An application for approval of a resubdivision shall be processed in the same manner as for a subdivision. A public hearing shall be called on all proposals for a resubdivision.

ARTICLE III

PLAN AND APPLICATION REQUIREMENTS

Section A - Subdivision Plan Components

The layout and supporting drawings, documents, proposed agreements or easements, and reports for a proposed subdivision constitute the only formal and complete submission of the subdivision application.

Plan maps shall be prepared on uniform size sheets, 24 inches by 36 inches overall, with a margin of two inches on the left side of the sheet. Such maps shall be clearly and legibly drawn with black waterproof ink, or printed on transparent linen, mylar, or similar permanent material acceptable for filing in the Town Land Records. The scale shall be one inch equals 10, 20, 30, 40, 50, or 100 feet, as appropriate.

Whenever the project area is of such size that more than one sheet is required, then an index map on the same size sheet shall accompany these sheets and reference shall be made by note on each sheet to the other sheets comprising the complete plan.

Final Subdivision Plans shall be prepared by a licensed land surveyor registered in the State of Connecticut and shall be comprised of the following elements and conform to the following specifications:

1. Record Plan

(a) Lower right corner of sheet

Title block indicating subdivision name, scale, date, true north point, name and address of owner or owners, subdivider, surveyor and engineer.

(Note - Subdivision name shall not duplicate or closely approximate that of any other development in the Town)

(b) Upper right corner of sheet

Location map at a scale of one (1) inch equals six hundred (600) feet, clearly indicating the location of the property with respect to surrounding properties and the existing street system.

- (c) Approval block to the immediate left of the title block reading:

"Approved by the Planning and Zoning Commission, Town of Darien Connecticut"

Resolution Number _____ Dated _____
Signed _____ Dated _____
Chairman

- (d) Locations and dimensions of all existing and proposed lot lines and property boundaries with accurate lengths to the nearest hundredth (1/100) of a foot and angles or bearings to the nearest ten (10) seconds.
- (e) Lot or parcel areas to the nearest thousandth (1/1000) of an acre.
- (f) Radii of all curves and lengths of arcs.
- (g) Side lines of abutting lots and the names, from Town Tax Records, of the current abutting property owners.
- (h) Zone districts from the official Town Zoning Map.
- (i) Street rights-of-way, existing and proposed, including street lines on both sides of the street, and where the proposed street intersects with an existing street, all existing street lines for a minimum distance of two hundred feet shall be shown.
- (j) Location, material, and approximate size of existing and proposed monuments. Monuments sufficient to accurately and permanently fix the on-ground locations and boundaries of all proposed street lines and open space parcels shall be provided as a minimum, and shall comply in all respects with prevailing Town Standards.
- (k) Names of existing and proposed streets.
- (l) Other rights-of-way and easements, including identification, description, location, width and other data necessary as determined by the Commission.

- (m) Open space parcels, accessways, wetlands, building lines, regulated areas, reserved parcels, covenant or deed restriction lines, flood insurance or flood encroachment lines, and other similar areas and lines affecting development, including minimum setback lines as specified by the Zoning Regulations or these Regulations. Areas to be reserved for open space shall show appropriate locations with dimensions and areas.
- (n) Lot numbers.
- (o) Location of existing and proposed waterbodies and streams including Mean High Tide line where subdivision is adjacent to a tidewater.
- (p) Certification with date, signature and seal of registered land surveyor.
- (q) Approximate locations of dwellings on adjacent lots.

After review, the Commission may require the addition of a note or notes expressing provisions to be made for water supply, public utilities, sewage disposal, fire protection, easements, reservations, or any other data or conditions the Commission judges necessary to insure the public health, safety or welfare, including specified stipulations of approval.

As supporting data for the Record Plan, the information requirements set forth in the remainder of this Article shall be submitted, or requirements adhered to, as required by the Commission.

2. Construction Sheets

Detailed data and construction specifications shall be set forth on necessary construction sheets as required by the nature of the proposal and shall be considered to be part of the Record Plan and so noted on that Plan. These supplemental sheets shall incorporate the following:

- (a) Title and approval blocks as per Record Plan specifications.
- (b) Basic subdivision data as set forth under Subsection 1. above.
- (c) Contours from the Town of Darien topographic map, or special survey of at least comparable

accuracy and detail, with contours of five-foot intervals or less, whichever the Commission deems necessary.

- (d) Proposed land contours, plantings and related information where natural conditions of the site are to be disturbed. In all such cases, two (2) foot contour intervals shall be used and based upon accurate data. (See Section D below).
- (e) Locations of existing and proposed structures, driveways, wells, septic tanks, leaching fields, wetlands, major trees, streams, ponds, walls, and related types and forms of physical site features. These shall be required to be shown in detail where probable environmental or drainage problems exist.
- (f) Typical cross sections of proposed streets, sidewalks and culverts.
- (g) Profiles of proposed streets at suitable vertical scale showing finished grades in relation to existing ground elevation at center line for entire length of roadway.
- (h) Locations of street trees, street lighting standards, street signs; the location, type, site and elevations of any existing and proposed sanitary sewers, storm water drains and structures; fire hydrants, the exact location and size of all water, gas or other utilities and structures; and detailed descriptions of all other required improvements.
- (i) Standard construction details, profiles and specifications for all proposed construction of streets and drainage facilities, developed in compliance with the requirements of the Town Engineer.
- (j) Such other information as may be consistent with good engineering practice or as may be required by the Commission.
- (k) Certification with signature and seal of a registered professional engineer.
- (l) All plans shall bear the following note:
"The approval by the Commission of a subdivision

plan shall not be deemed to constitute or be evidence of an acceptance by the Town of any responsibility or liability whatsoever for the maintenance or condition of any street or drainage facilities shown on said plan or for the effects of drainage or other factors resulting from said subdivision on other properties."

- (m) A note indicating that: "All improvements shown hereon shall be completed by _____ or the approval of this subdivision shall become null and void." The specified date shall be seven years from the date of the signing on behalf of the Commission of the final plans.

Where needs for environmental protection, the workability of accessways, locations for proposed structures, requirements for engineered septic systems, or other more precise requirements are established, the Commission shall specify that appropriate details be incorporated on the Construction Sheet (s) and the Commission may also require that such proposed improvements and developments be suitably staked out in the field, prior to their rendering any final decision.

3. Storm Drainage Data

The following information shall be provided to the Commission, as appropriate, at the time of submission of the final plans:

- (a) Proposed drainage structures shall comply with the Town of Darien Standards in effect at the time of formal submission of the plan, or State requirements, if applicable.
- (b) Required storm drainage information and details shall be included on construction sheets.
- (c) Data which may be developed concerning watershed tributary and runoff to drainage systems and structures, computations used as a basis for design, selection of drainage systems and structures, and related data shall be submitted to the Commission as part of the application.

- (d) A complete drainage system for the entire subdivision, with appropriate development stages for each of the final subdivision sections, shall be shown with all existing drainage features, and properly identified as existing or proposed.
- (e) Where a watercourse separates the buildable area of a lot from the street by which it has access, provision shall be made for the installation of a culvert or other structure, of a design approved by the Town Engineer and the Environmental Protection Commission.
- (f) All proposed surface drainage and stream structures shall be shown on the plans submitted to the Commission.
- (g) Plans shall indicate adjacent, off-site drainage conditions, restrictions, or structures, in order to determine any effects on the proposed subdivision and potential effects on abutting or downstream properties.
- (h) All appropriate details and dimensions necessary to clearly explain the proposed measures and facilities, including type of construction, material, top of frame, size, pitch, invert elevations, profiles or cross sections at fifty-foot intervals, proposed or existing streams to be modified, and related information shall be set forth as required.
- (i) The following notes shall be added to all plans including provisions for surface drainage:

- "Maintenance of all drainage facilities on private property shall be the responsibility of the property owner."

- "The drainage structures and proposals included in this development were designed by

(name of design engineer)

using the best engineering practices and will not produce any negative results from storm runoff on this property or adjacent properties."

4. Accelerated Erosion and Sedimentation Control Plan

Where required under the terms of ARTICLE III Section D herein, the following additional information shall be incorporated on the construction sheets:

- (a) existing and proposed contours at an interval not exceeding two (2) feet based on field or aerial survey.
- (b) locations of all critical environmental areas such as major rock outcrops, wetlands, watercourses, flood hazard areas, existing vegetation and similar information related specifically to the needs of this plan.
- (c) soils information as required by the Commission.
- (d) proposed areas of alteration, excavation or blasting including limits of clearing and grading, areas of cuts and fills, and storm water management where such applies to erosion and sedimentation requirements.
- (e) vegetative and mechanical measures to be used both during and after construction for temporary and permanent erosion and sediment control.

In addition to the above data, the Town Engineer or the Commission may require the submission of cross section drawings covering the proposed excavation area and/or appropriate schedules for performing and completing required work.

Section B. - Soil Suitability Report

Where on-site water supply and/or sewage disposal systems are proposed, the subdivision application shall be accompanied by a written report from the Director of Health, or his duly authorized representative, describing the Department's findings and recommendations relative to the adequacy of proposed provisions for water supply and/or sewage disposal and with respect to land drainage where pertinent to health considerations.

A copy of the applicant's report to the Health Department shall also be submitted.

All percolation test holes, soil profile pits, and other test areas shall be numbered and located on the appropriate Construction Sheet.

Section C. - Environmental Evaluation

The Commission, or its staff, may require that an environmental analysis be conducted for the subject property.

Such requirement shall be determined by the nature of the site, the scope and nature of the proposal, and/or previously documented problems or issues in the general area. Where such environmental analysis is required, the following procedures shall be adhered to:

1. An environmental impact assessment shall first be performed for the subject area. Such assessment shall cover the potential impacts of the proposal on the site and surrounding areas including, but not limited to, considerations relative to surface and subsurface drainage, tidal or inland flooding, water quality, accelerated erosion and sedimentation, effects on vegetation, and related factors. The report must be sufficiently specific to enable the Commission to determine if a more detailed environmental impact statement may be required. All such analyses shall be prepared by a qualified professional approved, in advance, by the Commission.
2. An environmental impact statement may be specifically required where the Commission deems such statement to be necessary. It shall be prepared by a qualified professional in conformance with guidelines established by the Commission.

In general, the statement shall incorporate the following:

- (a)Description of property and proposal.
- (b)Discussion of effects upon environment.
- (c)Identification of adverse effects.
- (d)Assessment of alternatives.
- (e)Description of long term effects.
- (f)Identification of any irreversible damage which may result from the project.
- (g)Actions available to minimize adverse effects on the environment.

Section D. - Erosion and Sedimentation Control

1. All subdivision applications shall fully consider problems of accelerated erosion and sedimentation in accordance with the standards and specifications set forth in these Regulations, the "Erosion and Sedimentation Control Handbook" prepared by the United States Department of Agriculture, Soil Conservation Service, and other guidelines available in the Commission's office.
2. In the discretion of the Commission, or its designated agent, an applicant may also be required to submit a full erosion and sedimentation control plan concerned with all earth disturbing activities. This plan is to meet all requirements set forth in the cited handbook and other available guidelines, as the Commission may deem necessary. In addition to the written report, the mapped information set forth in ARTICLE III, Section A. 4 shall be submitted.
3. The following criteria shall be considered in determining the appropriate devices and measures to be necessary and reasonable to prevent accelerated erosion and sedimentation:
 - (a) exposing the smallest practical area of land at any one time during development, said exposure occurring for the shortest practical period of time.
 - (b) maximizing the retention and protection of natural features of the land, both on-site and off-site.
 - (c) preserving the boundaries and alignment of watercourses and wetlands, both on-site and off-site.
 - (d) maximizing the use of temporary vegetation and mulching to protect critical areas exposed during development.
 - (e) installing the permanent final vegetation and/or structures as soon as possible.
 - (f) removing topsoil only from those areas intended for structures or other man-made improvements and redistributing said topsoil within the boundaries of the land being

developed so as to provide a suitable base for seeding and planting. Unless specifically permitted by the Commission, topsoil shall not be removed from the site.

- (g) accommodating the increased runoff caused by the changed soil and surface conditions during and after development.
 - (h) installing sediment basins wherever necessary.
 - (i) filtering runoff from temporary and permanent roadways during construction to prevent siltation and erosion.
4. The Commission may require upon approval of a subdivision plan, where appropriate and reasonable under the circumstances, the construction of silt and sediment traps, the mulching and temporary or permanent planting of areas, the construction of diversions or other devices and measures necessary to prevent accelerated erosion and sedimentation.

The Commission, or agent thereof, may also impose any additional measures and limitations at any subsequent time, whenever conditions arise which require the taking of additional precautions or imposition of controls to prevent accelerated erosion and sedimentation.

However, it shall be the responsibility of the applicant, successor or assigns to perform all earth disturbing activities in such a manner to properly comply with the intent of this section.

Section E. - Monitoring During Construction

The Commission may require the subdivider to engage a qualified environmentalist to monitor construction/development on the subject site to assure that all terms of the approval relative to environmental needs and factors are being adhered to properly. The environmentalist shall report to the Commission as directed.